

1 AARON D. FORD
2 Attorney General
3 SAMUEL L. PEZONE, JR. (Bar No. 15978)
4 Deputy Attorney General
5 State of Nevada
6 Office of the Attorney General
7 1 State of Nevada Way, Suite 100
8 Las Vegas, Nevada 89119
9 (702) 486-4070 (phone)
10 (702) 486-3768 (fax)
11 Email: spezone@ag.nv.gov

12 AARON D. FORD
13 Attorney General
14 DOUGLAS R. RANDS (Bar No. 3572)
15 Senior Deputy Attorney General
16 State of Nevada
17 100 N. Carson Street
18 Carson City, Nevada 89701-4717
19 Tel: (775) 684-1150
20 E-mail: drands@ag.nv.gov

21 *Attorneys for Defendant Dent Kirkland*

22 **UNITED STATES DISTRICT COURT**

23 **DISTRICT OF NEVADA**

24 TROY EMANUEL, JR.,
25 Plaintiff,
26 v.
27 D. KIRKLAND, et al,
28 Defendants.

29 Case No. 3:21-cv-00308-CSD
30 ORDER GRANTING
31 DEFENDANT'S MOTION FOR
32 EXTENSION OF TIME TO FILE
33 DISPOSITIVE MOTIONS AND TO
34 RESPOND TO ECF NO. 53
35 (SECOND REQUEST)

36 Defendant, Dent Kirkland, by and through counsel, Aaron D. Ford, Attorney General
37 for the State of Nevada, Samuel L. Pezone, Jr., Deputy Attorney General, and Senior
38 Deputy Attorney General, Douglas R. Rands, hereby request an extension of the time to
39 file a response to Plaintiff Troy Emanuel's (Emanuel) Motion for Summary Judgment (ECF
40 No. 53), and of the current deadline to file dispositive motions. This is Defendant's first
41 request for the former extension, and their second request regarding the latter extension.

42 ///

43 ///

44 ///

MEMORANDUM OF POINTS AND AUTHORITIES

I. **LEGAL STANDARD**

Pursuant to Fed. R. Civ. P. 6(b), the “court may, for good cause, extend the time . . . with or without motion or notice . . . if a request is made, before the original time or its extension expires.” Likewise, to prevail on a motion to extend previous scheduling order deadlines, the moving party show “good cause.” Fed. R. Civ. P. 16(b)(4); LR 26-3.

To demonstrate good cause, the party must show “that, even in the exercise of due diligence, [the parties were] unable to meet the timetable set forth in the order.” *Cruz v. City of Anaheim*, CV-10-03997-MMM-JEMX, 2011 WL 13214312, at *2 (C.D. Cal. Dec. 19, 2011) (citing *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)). Prejudice to the opposing party is a factor in determining good cause, though lack of prejudice is “not a prerequisite.” *Id.*

II. ARGUMENT

Defendant seeks a first extension of time to respond to Plaintiff's Motion for Summary Judgment (ECF No. 53), and a second extension of their deadline to file dispositive motions. Good cause is present to extend both of these deadlines to 45 days from the date of this motion, or until November 22, 2024.

On September 17, 2024, Emanuel filed his Motion for Summary Judgment. ECF No. 53. Undersigned counsel has diligently attempted to review Emanuel's motion, and to timely begin a response, but has been unable to do so. Counsel has only recently been assigned this case on September 17, 2024. Counsel is still reviewing the pleadings and papers necessary to prepare a succinct response, as well as Defendant's own dispositive motion.

The extension requested by Defendant will enable counsel to complete his analysis of the motion and any additional pleadings and papers in this case necessary to formulate a response to Plaintiff's motion, and to concurrently file Defendant's own dispositive motion. Accordingly, Defendant respectfully requests that the extension be granted for good

1 cause shown. *See Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1260, (9th Cir. 2010)
2 (holding that the “district court abused its discretion in denying party’s timely motion” to
3 extend time because the party “demonstrated the ‘good cause’ required by Rule 6, and
4 because there was no reason to believe that [the party] was acting in bad faith or was
5 misrepresenting his reasons for asking for the extension”).

6 **III. CONCLUSION**

7 Defendant requests an extension of time until November 22, 2024, to file Defendant’s
8 dispositive motion and a concurrent response to Plaintiff’s Motion for Summary Judgment.
9 Good cause is present to extend these deadlines.

10 DATED this 8th day of October, 2024.

11 AARON D. FORD
12 Attorney General

13 By: /s/ Samuel L. Pezone, Jr.
14 SAMUEL L. PEZONE, JR. (Bar No. 15978)
15 Deputy Attorney General

16 DOUGLAS R. RANDS (Bar No. 3572)
17 Senior Deputy Attorney General

18 *Attorneys for Defendant*

19 IT IS SO ORDERED.

20 DATED: October 9, 2024.

21 
22 _____
23 Craig S. Denney
24 United States Magistrate Judge
25
26
27
28